



W.P.(MD).No.22983 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22983 of 2023

and

W.M.P(MD) No.19210 of 2023

Bannari Amman Spinning Mills Limited,
Unit-II,
Represented by its
Assistant General Manager – HR
A.Selvaraj,
Velvarkottai Village,
Dindigul -Trichy NH-45,
Vedasandur Taluk,
Dindigul – 624 803

... Petitioner

Vs.

1. The Deputy Commissioner of Labour,
(Controlling Authority under Payment of Gratuity Act)
Office of the Deputy Commissioner of Labour,
Dindigul District.

2. G.Thilagaveni

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the order made in P.G.No.42/2021, dated 05.04.2023 passed by the first respondent and same was received on 27.05.2023 and quash the same.



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For Petitioner : Mr.G.Arumugaraja
For Respondents : Mr.S.Shaji Bino
Special Government Pleader – for R1
: Mr.P.Mahendran – for R2

ORDER

The present writ petition has been filed by the Management challenging the order passed by the Deputy Commissioner of Labour/ Controlling Authority under Payment of Gratuity Act, in P.G.No.42/2021, on 05.04.2023.

2. According to the learned counsel appearing for the respondents, statutory appeal remedy is available under the Act and therefore, the writ petition is not maintainable.

3. I have perused the grounds raised in the writ petition and I am convinced that the petitioner has to approach only the appellate authority and the writ petition before this Court is not maintainable, especially, in view of the fact that the statutory appeal remedy is available to them.



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4. In view of the above said facts, this writ petition is dismissed with liberty to the writ petitioner to approach the appellate authority within a period of four weeks from the date of receipt of a copy of this order. If any condone delay application is filed, the same may be considered in the light of the fact that the writ petition was pending before this Court between 12.09.2023 till 01.12.2023. The learned counsel for the respondents are at liberty to raise the issue of limitation before the appellate authority.

5. With the above said observations, this Writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous petition is closed.

01.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Deputy Commissioner of Labour,
(Controlling Authority under Payment of Gratuity Act)
Office of the Deputy Commissioner of Labour,
Dindigul District.



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R.VIJAYAKUMAR,J.

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